

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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In re: BAIR HUGGER FORCED AIR  
WARMING DEVICES PRODUCTS  
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

This Document Relates To:

*Nugier*, 16-cv-4246

**DECLARATION OF  
BENJAMIN W. HULSE IN  
SUPPORT OF DEFENDANTS'  
MOTION TO COMPEL AGAINST  
THE MIAMI VETERANS  
ADMINISTRATION MEDICAL  
CENTER**

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Under 28 U.S.C. § 1746, I, Benjamin W. Hulse, hereby declare as follows:

1. I am an attorney at the law firm of Blackwell Burke P.A., and one of the attorneys representing 3M Company (“3M”) and Arizant Healthcare Inc. (“Arizant”) (collectively “Defendants”) in this litigation. I submit this affidavit in support of Defendants’ Motion to Compel Against the Miami Veterans Administration Medical Center. Unless otherwise stated, the facts set forth herein are based upon my personal knowledge, information, and belief.

2. Attached as Exhibit 1 is a true and correct copy of a letter dated August 16, 2017 from Scott Provencher to Ms. Barbara Kehoe at the VA Offices of Chief Counsel enclosing Defendants’ Notice of Video-Taped Deposition of Henry Bernstein, MD, and Subpoena Duces Tecum.

3. Attached as Exhibit 2 is a true and correct copy of a letter dated August 16, 2017 from Scott Provencher to Ms. Barbara Kehoe at the VA Offices of Chief Counsel

enclosing Defendants' Notice of Video-Taped Deposition of Paola N. Lichtenberger, MD, and Subpoena Duces Tecum.

4. Attached as Exhibit 3 is a true and correct copy of a letter dated August 16, 2017 from Scott Provencher to Mr. Paul M. Russo at the Miami VA Healthcare System and Ms. Barbara Kehoe at the VA Offices of Chief Counsel enclosing Defendants' Notice of Video-Taped Deposition of Rule 30(b)(6) representative of the Miami VA Healthcare System, and Subpoena Duces Tecum.

5. Attached as Exhibit 4 is a true and correct copy of a letter dated August 24, 2017 from Barbara Kehoe to Scott Provencher requesting voluntary withdrawal of the subpoenas and document requests of the VA records custodiyay.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Minneapolis, Minnesota, this 29<sup>th</sup> day of August, 2017.

s/ Benjamin W. Hulse  
Benjamin W. Hulse